



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

ELlicott CITY HISTORIC DISTRICT ■ LAWYERS HILL HISTORIC DISTRICT

3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

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March Minutes

Thursday, March 3, 2016; 7:00 p.m.

The second regular meeting for the year 2016 of the Historic Preservation Commission was held on Thursday, March 3, 2016 in the C. Vernon Gray Room located at 3430 Court House Drive, Ellicott City, Maryland. Mr. Roth moved to approve the February 4, 2016 minutes. Mr. Reich seconded. The motion was unanimously approved.

Members present: Allan Shad, Chair; Eileen Tennor, Vice-Chair; Drew Roth, Secretary; Bruno Reich; and Erica Zoren

Absent:

Staff present: Samantha Holmes, Beth Burgess, Dan Bennett, Lewis Taylor, and Carol Stirn

****Please note the following comments and recommendations are from DPZ Staff and are recommendations for the Commission to consider, they do not represent a decision made by the Commission.****

PLANS FOR APPROVAL

1. 15-47c – 3578 Sylvan Lane, Ellicott City
2. 16-07 – 8081 Main Street, Ellicott City
3. 16-08 – 8505-8507 Main Street, Ellicott City
4. 16-06(b) – 3538 Church Road, Ellicott City (continued from February)

CONSENT AGENDA

15-47c – 3578 Sylvan Lane, Ellicott City

Final tax credit approval.

Applicant: James and Susan Hade

Background & Scope of Work: The Applicant was pre-approved for tax credits on August 6, 2015 to make several exterior repairs, to include:

- 1) Repair structural issues and drainage of porch foundation.
- 2) Replace wood porch with tongue and groove hardwood.
- 3) Replace all gutters with new aluminum K-style or half round gutters.
- 4) Replace trim and fascia with all primed and painted wood fascia, rake and trim boards.
- 5) Install primed and painted wood or smooth Hardie board for soffits.
- 6) Replace drip edge with pressure treated wood with a beveled edge.

The Applicant seeks \$1,350.00 in final tax credits for the expense of the replacement of the gutters and the painting of the woodwork which cost \$5,400.00. The other items have not yet been done.

Staff Comments: The work complies with that pre-approve and the paid invoices add up to the requested amount.

Staff Recommendation: Staff recommends final tax credit approval of \$1,350.00 as submitted.

Testimony: There was no testimony.

Motion: Ms. Tennor moved to Approve the application. Mr. Reich seconded. The motion was approved unanimously.

REGULAR AGENDA

Mr. Lewis Taylor stated he would like to go into a closed session in order to offer the Commission legal advice before continuing the cases. Ms. Tennor moved to go into closed session. Mr. Roth seconded. The motion was approved unanimously. Once the closed session was completed, the meeting went back on record into open session.

16-07 – 8081 Main Street, Ellicott City

Exterior alterations.

Applicant: Courtney Kehoe

Background & Scope of Work: According to MDAT the building dates to 1890. This property is located in the Ellicott City Historic District. The Applicant seeks approval to replace rotten wood lap siding on the back side of the building with LP Smart Guard engineered wood siding. The siding will be painted Benjamin Moore Raleigh Tan to match the existing.

Staff Comments: Chapter 6.D of the Guidelines recommends, “maintain, repair and protect wood siding, wood shingles or log construction” and “when necessary, replace deteriorated wood siding or shingles with wood siding or shingles that match the original as closely as possible in width, shape, and profile. Maintain the original shape and width of details such as cornerboards, cornices, and door and window trim.” Therefore Staff recommends the siding be replaced with wood siding to match the existing. It may be possible that some of the existing siding can be salvaged and not replaced entirely. This work would be eligible for historic tax credits.

The Guidelines also state, “if wood siding must be replaced on a historic building, a composite siding material may be considered, if wood is not a viable option, the composite siding conveys the appearance of the historic material, and application of the substitute material does not damage or obscure historic features. The texture, width, shape, profile and finish of the substitute siding material should be similar to the wood siding it replaces.” If there is a reason that wood siding is not a viable option, Staff finds the engineered wood would be an acceptable option as it is a wood product and is quite durable.

Staff Recommendation: Staff recommends the rotten wood siding be replaced with new wood siding to match the existing. Staff recommends tax credit pre-approval for the work.

Testimony: Ms. Holmes stated the Applicant requested this case be moved to the April agenda, as they were unable to attend.

16-08 –8505-8507 Main Street, Ellicott City

Exterior alterations.

Applicant: Troy Samuels

Background & Scope of Work: This building is located in the Ellicott City Historic District and is in the process of being constructed. The previous owner received approval to demolish the house in February 2011, which expired before the demolition took place. In July 2014 the previous owner came back to the Commission for approval to demolish the house again in order to sell the property to the current Applicants.

Case History

In October 2010 the Applicant first presented plans to the Commission to demolish the historic duplex and build a duplex in its place. The Commission was not satisfied with the design of the new construction and some questioned whether the historic house should remain. The Commission voted to continue the meeting until February 2011 to allow the Applicant time to explore other options. At the February 2011 meeting the Commission approved the demolition of the historic home and the construction of a new single family home in its place. The Applicant returned in August 2011 with modified plans to construct a two-story single family house, with full attic and exposed ground level basement. Staff was concerned the two-story house, with full attic and exposed ground level basement was out of character with the neighborhood. The Commission agreed that the proposed house was out of character, giving the appearance of a 4-story building. The Commission approved the application with the following changes:

The house will be changed from the current proposal back to the original approved drawing of the 2,000 square foot front façade. The first floor elevation of the new structure is going to be no more than one foot higher than the doorsill of the house to the right. The roof eave fascia should be within one foot of the fascia of the house to the right [west]. The roof pitch will be adjusted to attempt to have the ridge line below the neighboring house; if the line is slightly higher it will be allowed, but no more than one foot higher. The items on the material list are approved with changes to the windows, doors, siding, and lighting:

- 1) The windows will have 3-4" of exterior trim added to both the front and sides.
- 2) The siding will be changed to a 5" exposure.
- 3) The doors will be standard wooden doors.
- 4) There will just be one light mounted at the entrance.
- 5) All other items will remain the same with no changes.

The gutters should be half-round or K style white aluminum. The columns will be square and plain white. The railings will be standard colonial. The dormers will be switched to the back. The final permit drawings will be brought back to Staff for review of the elevations of the floor, eave, and roof line, and is subject to approval per the Commission's recommendations. The drawings will show the elevations on the house next door so that Staff can see how everything lines up.

In January 2012 the Applicant returned to the Commission with two new proposals; the first showed a side elevation of the house at the first floor elevation as approved in August. The second proposal showed a side elevation of the house at a higher elevation than was approved in August. The Applicant preferred to build at the higher elevation, which would have resulted in changes to the front elevation of the new house. The Commission indicated they would not approve the house at the higher elevation and the Applicant withdrew the proposal.

In March 2012 the Applicant submitted new plans and proposed constructing a 3-story duplex house with a mansard roof. The first floor of the house will serve as the basement level and be constructed into the hillside. The current proposed house will have a first floor elevation of 230.8 feet. The neighboring house has a first floor elevation of 230.6 feet. The roof peak elevation on the proposed house will be 260.1 feet and the neighboring house has a roof peak elevation of 258.3 feet, so the new house will be 1.8 feet higher than the neighboring house.

The Commission approved this application with the following motion:

Mr. Hauser moved to Approve per the Staff recommendation, except for #4 regarding the use of real stone. Instead of real stone, a faux stone may be used on the sides of the house on the 1st floor exposed walls. The stone needs to be brought in to Staff for their approval, but if siding is used it does not need to be approved by Staff. Trim is to be added on the front façade windows and doors. The side windows are to be lined up. Ms. Tennor seconded. The motion was unanimously approved.

In July 2014 the demolition of the house was approved again.

Current Application

In an earlier application for the construction of the house, submitted by the previous owner, the Commission stipulated that construction drawings should be submitted to Staff at the time they were submitted to the Department of Inspections, Licenses and Permits (DILP). Those drawings were not submitted to Staff, although Staff has now reviewed the drawings with DILP during the writing of this staff report. Staff emailed the Applicant, requesting those drawings be submitted in order for the Commission to understand the design of the house and the current application. The Applicant submitted the drawings the following day, on February 24, 2016.

Roof Height

Staff sent the Applicant a letter in December 2015 notifying them that the construction did not appear to be in compliance with the plans that were approved as the building appears taller than approved. The Applicant has provided the following statement regarding the height:

“The height of the structure is 31 feet, 33 .5 feet including parapet wall which is required by code. The neighboring houses with flat roofs were built before this code was in place, which places us within the 34 foot height requirement which other houses on the street are not over 34 feet.”

Windows

The Applicant now seeks approval to change the windows from the Andersen Narroline to Jeld-Wen 2500 series, 1:1 wood window. The color will remain white.

Front Door

The Applicant proposes to change the front door from a Jeld-Wen 6 panel wood door to a Jeld-Wen 3 lite over 3 panel wood door.

Mansard Roof

The Applicant proposes to cover the mansard roof using GAF Timberline HD asphalt shingles in the color Weathered Wood. The application states that HardiePlank was originally approved, however that is incorrect; the mansard roof was originally to be shingled in oxford grey asphalt shingles.

Patio Door

There are spec sheets without photographs for a Jeld-Wen sliding patio door, but no other reference in the application.

Stone

There is a spec sheet for stone, but there are no photos regarding the use of the material.

Staff Comments:**Roof Height**

When this application was first approved, there was a lot of discussion and concern over the height of the building compared to the neighboring structures. The Applicant has included language from the Zoning Regulations explaining the height; however 34 feet is the maximum height that a principal structure can be, not a minimum. The current height does not comply with the previous approval or with Chapter 8.B recommendations, "design new buildings so that the floor to ceiling height and the heights of cornices and eaves are similar to or blend with nearby buildings. Generally, there should not be more than a 10 percent difference in height between a new building and neighboring buildings if the neighboring buildings are similar in height." The new structure appears to be more than 10 percent higher than the neighboring mansard roof building. The Guidelines also recommend, "design new buildings to be compatible with neighboring buildings in bulk, ratio of height to width and the arrangement of door and window openings." The dormer windows are higher than the neighboring building, but more so is the height above the dormer windows. The proportions are not correct; the parapet wall should not be that much higher than the windows or change pitch. The mansard roof as shown in the construction drawings and as constructed has a slight pitch backwards and with a parapet wall that extends straight up above it, which is not correct construction for a mansard roof design. The design that was approved did not show this imbalance in proportions nor the design flaw in the pitch of the mansard roof and parapet wall. The current building has deviated from the HPC approved plans.

Windows

Staff has no objection over the change to the Jeld-Wen w2500 series window from the Andersen Narroline. The window will remain wood, which complies with the Guidelines, "use materials common to the historic district, such as wood siding, wood shingles, brick, stone or stucco, and compatible with materials used in the immediate vicinity."

Front Doors

The front door that has been submitted is a craftsman style door, which is not the style of the house. Chapter 8.B recommends, "use elements such as porch shapes, window or door openings...and other characteristics that echo historic Ellicott City buildings." There are no craftsman style homes in the immediate vicinity. The originally approved 6-panel door is the most architecturally appropriate door for the style of the house. Chapter 6.G of the Guidelines explains, "historically, most Ellicott City doors were painted, paneled wood. Six-panel and eight-panel doors were used during the early period." Staff understands a door with windows is desired and recommends the Applicant consider a different style of glass and paneled door, as recommended by Chapter 6.G of the Guidelines.

Staff just received a copy of the plans that were submitted to DILP and they show the doors located on the left side of each duplex unit, so the front of the building reads "door, window, door, window." Per the Decision and Order for HPC-12-07, the doors were supposed to be paired in the center of the building as recommended by Staff and supported by the Commission.

Mansard Roof

There appears to be some confusion over the original material of the mansard roof, which was to be a Tamko asphalt shingle in the color Oxford Grey. The current Applicant proposes to use GAF Timberline asphalt shingles in the color Weathered Wood. The siding on the house will be HardiePlank siding in the color Navajo Beige. Staff is concerned the Weathered Wood shingle will be too monotone and not appropriate with the design of a mansard roof. The neighboring house also has a mansard roof and the siding and roof shingle is unpainted wood shingle. Staff recommends the roof be constructed with the Oxford Grey shingles as previously approved. Another brand may certainly be used, if samples of the shingle are provided and determined to be appropriate. Staff finds the Weathered Wood shingle will stand out as fake material next to the neighboring wood shingle roof and not blend in with the neighboring architecture. The neighboring houses are shown below.



Patio Door

The application does not indicate where the patio door will be located, although it will most likely be on the rear of the house. Staff recommends the Applicant submit a future application with a spec sheet of the proposed patio door and pictures of the back of the house.

Staff Recommendation: Staff recommends:

- 1) Denial of new height of building and new roof shingle color.
- 2) Approval of Jeld-Wen windows.

Staff recommends a different style of front door be used. The doors are not being constructed as approved and Staff recommends denial of the as-built location. Pending the Commission's decision, Staff will need to talk to Department of Inspection Licenses and Permits (DILP) to determine the process moving forward.

Testimony: Mr. Shad swore in Troy Samuels and Todd O'Dell. Mr. Shad asked if there were any additions or corrections to the Staff comments. Mr. O'Dell said the problem with the height is that the parapet wall increases the height of the house by 2 ½ feet. He said ceilings were not 8 feet high on the house next door. Mr. Shad asked if the Applicants were aware of the Staff recommendations prior to construction. Mr. O'Dell stated yes, but due to Code the parapet is needed in order to have the ceiling height and a prospective buyer is going to prefer a certain ceiling height. Ms. Tennor asked if they were unaware of the problem when purchasing the property. Mr. Samuels said the drawings were of a modular at the time. They were told an inspector would come out and look at it and sign off on it. Mr. Reich asked Staff if the drawings were approved by DILP. Ms. Holmes said that DILP has the same drawings and she requested a copy from the Applicant after viewing them at DILP. Ms. Holmes

explained that the parapet wall as built is not in compliance with the DILP approved drawings. Mr. Roth asked to clarify if the drawings have been previously reviewed by the Commission. Ms. Holmes stated no, these are DILP's drawings and she requested a copy from them. Ms. Tennor said that the Applicant was supposed to submit drawings to Staff before construction began, but drawings were not submitted. Mr. Reich stated there is a huge difference in what was built and what is shown on the permit drawings. Ms. Holmes agreed that the construction does not comply. The Applicants and the Commission had a discussion concerning the heights. Mr. Samuels pointed out if the parapet wall was removed the overall height would drop by about 3 feet.

Ms. Zoren asked if a parapet wall is commonly needed on the sloped roof. Dan Bennett stated no, a parapet wall is not needed. Ms. Zoren commented the Applicant was told it was needed. Mr. Samuels stated the original owner's drawings had the parapet on them. Ms. Holmes stated there was not a parapet wall on the HPC approved drawings. Mr. Reich stated the appearance of the front is distracting; the mansard goes up and then the parapet wall is there on top. Mr. Samuels stated the wall can be removed. Ms. Zoren explained that the architectural characteristics and features do not fit with the other historic homes in the area. She explained that a mansard roof contains attic space, so that is the reason the neighboring house has a lower ceiling. Ms. Zoren stated the mansard is out of character where it is angled and then breaks up vertically. Mr. Samuels said the vertical is due to the parapet. Ms. Zoren asked the Applicant to produce an architectural drawing of what the structure would look like with appropriate heights, the dimensions, dimensions from the street, from the finished floor, dimensions showing the comparison, and the section of the roof. She said the permit drawing is showing a flat roof, not a pitched roof and the building is not being constructed according to the permit. Ms. Zoren stated she wants to see what the structure will look like if the parapet is removed. Ms. Zoren added the proportion of the dormers is out of scale and the proportion of the windows are too wide. She explained that the windows in the historic area are longer, which makes them more proportionate. Mr. Reich stated the Applicant needs to come close to complying with the original approved submission which had been acceptable to the Commission. The Applicant stated the drawing can be revised.

Mr. Roth stated what was built is not compatible with the historic nature of the area, and the submittals do not bear any resemblance to the structure the Applicant built. Mr. Roth said this project needs to stop and the Applicant should return with a proposal that is in character of the area and is consistent with what was previously approved.

Mr. Reich recommended that the Applicant amend the current application to advisory comments from the Commission. Mr. Taylor said the Applicant will also need to speak with DILP. Mr. Reich stated this case should be continued to next month. Mr. Shad asked the Applicant if he agreeable to continue the application to next month. The Applicant stated yes. Mr. Bennett said that in order to help the Commission, a building section should be done from the front to the rear in order to see the ceiling heights that are reasonable and show the modifications that would be needed. Mr. Bennett said cross-sections should be done showing what has been done now, and what the Applicant wants to do in order to obtain the compliance needed. Mr. Roth added the Commission makes an assessment as to whether a structure is in keeping with the historic character of the neighborhood and stating that certain ceiling heights are needed does not give an Applicant justification to build a structure that is not within the historic character. Mr. Bennett reiterated that doing the cross-section will allow the Commission to see what is already built and what the modifications will be. As long as the exterior elevation is achieved, the height of the interior ceilings will not matter. Ms. Tennor concurs with Mr. Roth's comment that this is the historic district and not a subdivision in the County outside of the district. There are certain restraints that must be met. Ms. Tennor stated in addition to the height of the building, the Staff recommendations should be followed in regard to placement of the windows and doors, and more detail is needed on the back sliding doors.

Motion: The Commission recommended the case be continued until next month's meeting. The Applicant agreed to the continuation.

16-06(b) – 3538 Church Road Ellicott City (continued from February)

Removal of trees.

Applicant: Stephanie Tuite

Background & Scope of Work: This application is being continued from the February 2016 meeting. On February 4, 2016, the Applicant came before the Commission for approval to construct two retaining walls and remove 146 trees. The Commission approved the construction of the retaining walls at that time, but the tree removal was continued to be heard at the March 2016 meeting. Three of the trees located along Church Road that were originally proposed to be removed were changed to remain after the December meeting.

The Applicant has submitted additional information regarding the proposed removal of trees. The additional information explains that the majority of the specimen trees proposed to be removed are Silver Maples, which can have a very intrusive root system that would impact paving and have been known to break through house foundation walls and sewer lines. The application states that the trees vary in condition from good to poor. The Applicant is looking into retaining two of the three Black Walnut trees on Lot 5 & 6, that are proposed to be removed and the application states that a plan to retain two of the three will be presented at the March meeting. John Canoles with Eco-Science Professional, Inc. is the environmental consultant and will be in attendance at the March meeting to discuss the condition of the trees.

The new information provides an assessment of the trees on the property, breaking down the number of trees found in certain diameter breast height (DBH) ranges and the approximate age of the tree. The majority of the trees on the property have an average DBH range of 13"-16.3" as shown in the chart to the right.

The Applicant has also submitted photographs of the specimen trees that are proposed to be removed. Several of the trees appear to be in very poor condition, with obvious limb dieback, trunk rot, split trunks, and broken limbs.

	All Trees	Trees to be Removed	Trees to be Retained
Total Trees	247	135	112
Average size dbh	16.2"	16.3"	16.3"
Median tree size dbh	15.5"	15.5"	15.5"
Most frequent dbh	13"	13"	12"
Range	12-29"	12-27.5"	12-29"
Most common species/% occurrence	Tulip poplar 69%	Tulip poplar 73%	Tulip poplar 66%
Estimated Age range (calculated by multiplying most frequent and average tree sizes by 3 - growth factor of poplar)	39-49 years	39-49 years	39-49 years
Non-native/landscaping trees	38	16	22
Trees rated poor/fair condition	29	21	8
Number of different species	22 includes 10 species of invasive or landscaping	20 includes 10 species of invasive or landscaping	13 includes 6 species of invasive or landscaping

Staff Comments: The photographs and report provided show that the removal of some of the trees would comply with Chapter 9.B recommendations, which recommends against "the removal of live mature trees, unless it is necessary due to disease or to prevent damage to historic structures" and considers Routine Maintenance to be, "removing dead or certifiably diseased trees." While these trees are living, they are very visibly nearing the end of their life cycle and appear in very poor condition. The Guidelines explain that "mature trees are important to Ellicott City...Some, such as the silver maple trees along upper Church Road (planted in 1888), are similar in age to nearby historic buildings. These and other trees that are tied to the history of the area should be carefully protected." The three silver

maple specimens that are located along Church Road will no longer be removed. However, there are other silver maples that are proposed to be removed located interior to the site and their conditions are documented in the report submitted.

Staff supports the current proposal to possibly save two of the walnut trees, which would comply with Chapter 9.B recommendations, “Retain landscaping patterns that reflect the historic development of the property. Use historic photographs or landscaping plans if these are available” and “Retain mature trees and shrubs. Provide for their replacement when necessary.” The majority of the specimen trees to be removed appears to be silver maple, but they do not all appear to be in good condition. The majority of the non-specimen trees to be removed appear to be tulip popular, but they are the younger of the trees to be removed as well.

Staff Recommendation: Staff recommends saving two of the black walnut trees as mentioned. Staff finds many of the silver maples that are to be removed are in poor condition and agrees that they should be removed.

Testimony: Mr. Shad swore in Stephanie Tuite of Fisher, Collins and Carter. Ms. Tuite stated that she is a registered landscape architect and a professional engineer with a LEED accredited professional certification for Building Design and Construction. John Canoles of Eco-Science Professionals was also sworn in. Mr. Canoles stated that he is a natural resource consultant, a qualified professional to perform Forest Conservation Act services in Howard County through Maryland DNR, and is a qualified wetland delineator.

Mr. Canoles explained that he was first brought in to perform normal Forest Conservation Act services for this project, which is required for any subdivision process. Mr. Canoles led the Commissions through a series of slides, showing the project and general location of the forests. Mr. Canoles stated the site is 8.5 acres and that there is 4.4 acres of forest on the site. The intermittent and perennial stream system which runs through the property is part of a stream system. The intermittent portion has a 50 foot buffer and the perennial portion has a 100 foot buffer. He explained that the forest is dominated by Tulip Poplar, and as part of the forest stand delineation 43 specimen trees have been identified on the site. Mr. Canoles stated as part of the forest conservation services a preliminary Forest Conservation Worksheet was done to determine what would be the normal requirements for forest conservation. He explained that there is credit available for forests retained on the site and there is a reforestation obligation for cleared forests. He said that a “break-even point” occurs by making the two obligations match, which would mean the project would comply with forest conservation by placing the forest retained on the site in an easement. For this project, the “break-even” goal for forest retention was 2.2 acres, but they are actually retaining 2.8 acres, more than is required. Mr. Canoles stated he was asked to identify all of the trees 12 inches and greater to comply with the Historic District requirements. Mr. Canoles used slides to show where the identified trees were located. The trees were measured with a diameter tape, and the measurement, tree name and its condition were documented. The trees were flagged, then, Fisher, Collins and Carter did the survey. A total of 247 trees were identified. Any trees located within the stream buffer were not surveyed as they are not being disturbed. Mr. Canoles said there were other trees in the lower area of the property that were not surveyed as they also will not be disturbed. Mr. Canoles pointed out there were a number of trees that were expected to be removed on the original plan, but they are now going to stay due to a reduction in the footprint, per the new plan. Mr. Canoles showed a listing of all the trees on the site by tree name, size, and condition.

Mr. Roth asked why the Norway Maple and Tree of Heaven were going to be retained since they are invasive trees. Mr. Canoles said the trees are outside the limit of disturbance (LOD), but they could be proposed for removal as they are not native. Mr. Canoles explained the reason for trees being retained or removed during the evaluation was solely based on the project's limit of disturbance. Ms. Tennor asked for clarification that the tree survey list includes all the trees outside the development area. Mr. Canoles stated yes, they are included. Mr. Canoles did a study to try and determine the age of the forest and the general size of the trees to be removed. He said the majority of the trees came out to be less than 50 years old and explained the age was determined by using the growth factor for Tulip Poplars, which are the predominant tree on site. Mr. Canoles stated 43 specimen trees were also evaluated. Mr. Canoles said that 9 specimen trees are to be removed and 34 will be retained. He explained that of the 9 trees to be removed, 7 are in fair to poor condition and 2 are in good condition. He said that of the 34 trees to be retained, 25 are in good condition. Mr. Canoles showed photos of the trees to be removed and their location. The two Black Walnuts originally proposed for removal are being retained by revising the grading on the site plan. He explained that root pruning can also be done prior to site work to help save the trees from falling due to construction disturbance. Ms. Tennor asked if the limit of cutting would be indicated so people working on the site would be aware. Mr. Canoles stated safety fencing is put up so contractors do not enter the area.

Mr. Roth asked about two smaller black walnut trees. Mr. Canoles said these trees are probably in the root protection zone and could be retained. Mr. Canoles showed an overview of the entire project where trees would be removed and where tree would be retained. Ms. Zoren asked the number of specimen trees in the limit of disturbance for demolition versus specimen trees in the limit of disturbance for retention. Mr. Canoles stated there are 43 specimen trees in total all over the site.

Mr. Shad opened the meeting to anyone who wanted to directly question the witness regarding specific issues with the trees. Ms. Elizabeth Walsh, a resident of Church Road, asked Mr. Canoles about his qualifications, the removal of trees, locations of trees, and tree growth. Ms. Walsh also asked Mr. Canoles if he had any other type of qualifications besides Forest Conservation or was he a member of any other organization. Mr. Canoles provided answers to her questions. There were no other questions from the audience.

Mr. Roth asked for clarification on the growth factor for the black walnut trees and Mr. Canoles said there is a higher growth factor. Mr. Canoles showed the area that was documented on the plan, including an area originally set for disturbance that is now outside of the LOD. Mr. Reich asked for an estimate of how many 12 to 30 inch trees existing on other parts of the property were not documented. Mr. Reich asked if there could be 50 to 200 trees not documented. Mr. Canoles replied maybe a smaller percentage of trees. Mr. Reich asked about the top northwest corner as there is nothing documented. Mr. Canoles explained that is the lawn area and said there were not any 12 inch to 30 inch trees. The area only had smaller growth and some specimen trees. Mr. Reich asked about the east side of the property. Mr. Canoles stated there are trees flagged that are between 12 and 30 inches to be retained, but there are also a number of trees that are less than 12 inches. Mr. Reich asked if the LOD line goes to the property line. Mr. Canoles said yes. Mr. Roth commented the old house on the property dates back to the 1930s, and thought it was possible the trees could pre-date the house. Mr. Canoles agreed. Ms. Zoren asked if a site section through to Church Road toward the property was done to show the relationship of the community to Church Road. Ms. Tuite stated one was prepared previously for prior meetings in December and February. She showed the Commission the drawing and pointed out the information.

Public Testimony

Mr. Shad swore in Ms. Walsh. Ms. Walsh had 5 different handouts for Staff and the Commission. The exhibits were marked as Walsh Exhibit 1, 2, 3, 4, and 5. Ms. Walsh stated the Applicant has presented their case mainly in the form of testimony from Mr. Canoles. She finds that most of the testimony had nothing to do with the historic nature of the property. Ms. Walsh said the information presented did not give any assurance that the design presently submitted, including the request to remove 146 trees, honored and reflected the integrity for the National Register Historic District.

Ms. Walsh handed out “Walsh Exhibit 1 – 3538 Church Road, present day treeline.” Ms. Walsh said these are photos taken from the top of the hill on Church Road looking down the hill to where the Lacey Property is located. She explained the purpose is to show and understand the context of this particular road. Ms. Walsh spoke about the original subdivision in 1888 and said the lots are typical of large multi-acre lots set back from the road and containing specimen trees, large canopies, a range of species for which the residents along this road have worked to maintain, nurture and treasure. She said that both the Woods at Park Place and the Upper Church Road Associations are asking that this same care be provided to 3538 Church Road. She explained the driveway going into this property is lined with many evergreens and said they are very tall and healthy. Ms. Walsh stated she does not see these trees on any plans submitted regarding what is and is not being removed. Ms. Walsh explained the photos showed the downhill road and the tree frontage between the property’s driveway to Park Road.

Ms. Walsh handed out “Walsh Exhibit 2 – 3538 Church Road, present treeline.” Ms. Walsh stated one photo is a panoramic view of the front of the property on the northwest corner between the driveway and Park Drive. She explained it shows the expanse of trees lining the street. There is a stand of trees across the street which is a buffer between Church Road and the Woods at Park Place. Photo 2 shows an aerial view of the stand of trees and the tree pattern states this is the original homestead site from Church Road. Ms. Walsh is concerned that these trees are not reflected anywhere in the plans presented.

Ms. Walsh handed out “Walsh Exhibit 3 – Specimen Tree Table”, a list describing the 43 trees documented on site. Ms. Walsh spoke about the 9 trees to be removed and feels there is no contention that the trees are in poor health. Ms. Walsh stated no one is advocating that diseased or trees in poor health be protected, but said the trees that are consistent with, enhance and contribute to the historic nature of the road, and that are reflective of the 1888 subdivision need to be retained. Mr. Roth asked about one of the exhibit pages showing different colors on trees and what they denote. Ms. Walsh stated this document was testified to by Ms. Tuite previously. Ms. Walsh said the colors stand for whether the specimen trees are in poor condition, fair condition, or best condition. Ms. Walsh said Church Road is a street of mature and historic trees and removing any significant number of trees will change the character and integrity of this historic scenic road. Ms. Walsh said she sees no information regarding these trees. Ms. Walsh stated the Commission is being asked to approve the deforestation of 4 ½ acres fronting on Church Road. She said that as far as the Forest Conservation information, regarding whether there is a balance, that has nothing to do with the determination that the Commission will make that is the historic quality of the resource.

Ms. Walsh handed out “Walsh Exhibit 4 – MD Historical Trust National Register Eligibility Review Form.” Ms. Walsh stated in 2001 the Maryland Historical Trust recommended this particular stretch of road be entered into the National Register of Historical Properties. She highlighted a

portion of the nomination form. Ms. Walsh included a copy of the 1885 plat from the original subdivision of Linwood Farms. Exhibit 4 is made up of several different documents. Ms. Walsh spoke about the original deed granting Lot 4 to the first owner of the subdivided property, after subdivision of the old Linwood Manor. Ms. Walsh testified that the deed made clear that nothing but a residence could be built on the lot, no outbuildings or any kind of business. Today, everyone along the road abides by the covenants and has kept off the street, maintains specimen trees, and any outbuildings are kept behind the house. Ms. Walsh stated there seems to be a representation that the neighborhood agrees with this plan, but said that is not the case. She confirmed with both the Woods of Park Place and Upper Church Road Associations that they are not in agreement with this plan. Ms. Walsh stated the trees must be kept; the setbacks need to be moved farther out. She said the project is too dense and the plan does not take into account the Historic Guidelines. Ms. Walsh stated this property is in the Historic District and there is no showing that the historic constraints are being complied with. She reiterated that the 12 to 30 inch trees are not clearly identified. Ms. Walsh stated the black walnut and evergreen trees are in a pattern for a reason; they provide a screen between Linwood Mansion, the front of Church Road and between the driveway. Ms. Walsh referred back to previous exhibits regarding trees marked for removal stating these trees are not in poor condition. Ms. Walsh spoke about the growth factor published by the International Society of Arborists. She said that some of the trees end up being around 144 years or older, which could coincide with the 1888 subdivision. Ms. Walsh stated all the specimen trees proposed for removal seem to be located on the old homestead site; the trees being saved are in the lower area, the slopes and the pasture land.

Ms. Walsh had an arborist review the plans submitted to the Commission. She said that she asked the arborist to attend the meeting to speak about his findings, but he had a prior commitment and could not attend. The arborist prepared a letter stating his findings, which was marked as Exhibit 5 for identification purposes. Mr. Lewis Taylor advised the Commission that there is a problem with submitting written testimony from someone who is not present to be cross-examined. Ms. Walsh proceeded to read the letter from the arborist. Mr. Lewis Taylor asked the Applicants if they objected to the letter being entered into the record. The Applicants stated yes, they do object to the testimony.

Ms. Walsh asked that the arborist's letter be submitted as Exhibit 5 for the record. The Commission declined to accept Exhibit 5 as evidence.

Ms. Tuite stated she would like to address some of Ms. Walsh's concerns. Ms. Tuite explained there is at least 50 feet of trees along the road which are remaining and only one tree at the entranceway is being removed. She said that all the trees referenced in Ms. Walsh's aerial photo are being retained. Ms. Tuite said there are stretches of trees along almost 75 feet in depth from the right of way being retained. Ms. Tuite showed the plan to the audience and explained what is remaining. Mr. Roth clarified this is the same information on the diagram labeled "existing condition, demolition plan, Lacey's Property." Ms. Tuite affirmed. She stated there was an overlay made that showed the limit of disturbance on the plan to show the trees being retained. Mr. Roth said the trees along the road will be retained with the exception of two trees where the driveway enters, and the only one outside the LOD not being retained is a Silver Maple. Ms. Tuite stated the Walnuts are not part of the streetscape; they are about 150 feet into the property. These trees are being retained and are part of the landscape, but are not on Church Road.

Mr. Lewis Taylor asked Ms. Tuite to clarify whether the plan has been amended to now retain the two walnut trees, labeled #7 and #9 on the plan. Ms. Tuite said yes. Ms. Tuite made another point that much attention has been paid to this site being historic and the age of the trees. She

said the 135 trees referenced have emerged over the past 30 to 50 years in an old agricultural field, so these trees are not the history of the property. The history of the property was as a farm field. There are 9 specimen trees to be removed, but the other trees proposed for removal are younger and have grown due to the land not being used as farmland anymore. Ms. Tennor stated Staff had prepared for the Commission a series of aerial photos from 1945 to 2014 which clearly show the areas cleared for farming and the gradual re-emerging of the trees.

Mr. Shad swore in Mr. Gary Maule. Mr. Maule stated he lives at the corner of Park Drive and Church Road and can see the property from his house. Mr. Maule explained that when he first moved here, the drive up Church Road had a literal green tunnel made by a long row of Maples which grew over the road. He said that many changes have happened along the road over the years and the Red Maples died off. Mr. Maule said that having no additional development would be great, but that development is going to happen. Mr. Maule finds the plan is providing change and evolution for the good. He said that some trees will need to come down, but would probably come down on their own eventually.

Mr. Shad swore in Ms. Denise Cortis. Ms. Cortis is a resident of the Woods at Park Place and wanted to share some points regarding the development. She said there are a lot of perspectives being heard on development in Ellicott City which are very different. Ms. Cortis explained that she moved into the Woods at Park Place with knowledge that there was a dispute over the development regarding trees, size, density and design of the homes. She said that her home was purchased with the knowledge that the Historic District Commission existed and trusted this entity to preserve the area which Ms. Cortis and her family invested in, so that the area could be preserved in its true value and beauty. She said that includes preserving the right trees and knowing that some trees need to be removed for good development. She stated that destructive development is irreversible, which has happened at the Woods at Park Place, specifically regarding tree removal not being replaced wisely. Ms. Cortis said to think about the plan in its entirety, rather than approving items in increments, so it provides good change.

Mr. Shad swore in Mr. Steve Park who stated he is the President of the HOA for the Woods at Park Place. He stated that he attended many of the community meetings regarding the plan. Mr. Park stated the HOA Board is not in approval of the current plan. With regard to trees labeled #7, 8 and 9 on the plan, Mr. Park thought the plan showed retention of these trees. Mr. Park requested that these trees be monitored long term and take action if necessary to preserve them. He also recommended there be clarity on any other trees that may be compromised from adjacent tree removal and how to retain any that would be compromised. Mr. Reich asked about the HOA not approving the plan. Mr. Park stated all the Board members are not in favor of the current site plan. In the community at large of 15 properties, there are some residents that do not want to give an opinion and there are some residents who do not agree with the plan. He explained that the feeling is that the plan is too dense, there will be too many properties, and traffic issues. Mr. Reich asked if this plan is more dense than the Woods at Park Place. Mr. Park stated he believes it is. The total property of the Woods at Park Place is 15 acres. The community feels this new project is too dense.

Commission's Comments

Mr. Roth spoke about the black walnut trees. He does not find that these trees were planted on purpose or planted for shade. He said the trees are too large and old to have been planted and they have a natural arrangement. Mr. Roth stated a grove of walnut trees which pre-dates subdivision of the property and appears to be a natural grove with significant natural landscaping

element should be preserved with its integrity as a grove. Mr. Roth is fine with the other trees being removed.

Mr. Taylor asked to clarify for the record that Commissioner Zoren and Commission Tennor did listen to the recording of last month's hearing. Both Ms. Zoren and Ms. Tennor confirmed they listened to the recording.

Ms. Zoren stated part of the attractiveness of this neighborhood is not the first impression of the historic houses, it is the mature trees and dense lush greenery. She said that a big factor which can take a new development out of context in a mature neighborhood is to have a couple of acres, clear cut the forest and use the County minimum for the replanting of trees. The Historic District is the way the buildings respond to their surroundings, elements that surround the buildings, nature and topography. Historic Ellicott City is known for its sloping hills and the river. She said buildings are built to work with the land and go into the landscaping. Clear cutting and taking 30 feet of grade out was not done simply to fit a couple of houses. Ms. Zoren feels the site plan is out of character with the Historic District. She said the grading needs to be looked at again, and if not, a way should be found to save as many fair and good trees as possible, especially along Church Road. She said that decreasing the limit of disturbance area along Church Road would probably go a long way to working with the opposition. Mr. Zoren said that would also help the scenery and the impact of the new development. Ms. Zoren stated this does not have to only apply to specimen trees; any tree of size in great condition should be saved. The character of the development will be improved by working with the site, grades and trees.

Ms. Tennor said that she finds this plan has come a long way from the original proposed plan. She explained that the development has been pulled back from Church Road and condensed to a developable area. Ms. Tennor stated it is possible to reduce the number of lots, but she is uncertain if the HPC can require less density particularly with the amount of buffer between the building footprints for the plan and Church Road, and that almost all of the vegetation that exists between the buildings and Church Road is being retained. Ms. Tennor stated that the argument that this is a forested or wooded area historically contradicts the evidence which Staff provided that much of the area had been cleared for farmland. She said that when the property across the street was developed there was a lot of tree cutting and regrowth. She finds the plan is making a good effort for retention of healthy trees and allowing a reasonable amount of development. Ms. Tennor does not feel constrained to recommend less density than what is proposed. She has no issue with removing trees in order to create a footprint for a building.

Mr. Reich stated out of the 43 specimen trees, 11 are proposed for removal and 2 will be saved. Regarding the other trees, there are only 2 worth saving; the remainder being too bad to save. The density is where it has to be with total lots so whatever is needed to save the perimeter will be done and to save the existing trees along Church Road and the trees on the east side of the property. He said that out of the 247 documented trees, 135 are being removed. Mr. Reich finds there are a lot more trees that exist which have not been documented. A large portion of the forested area is being saved. He said that if the portion on the east was a previous field, not everything historic is being removed. Mr. Reich said that even though many trees are being removed inside the LOD, there are a large number of trees outside the LOD which will provide a good buffer for the site. Mr. Reich stated with the subdivision and number of houses going in a good job has been done to provide a buffer and save as many trees as possible. The only other option would be to not accept the density as proposed.

Mr. Shad stated his concern is about density which may or may not be approved. The Commission is being asked to approve tree removal to match density that has not been approved. Mr. Shad does not agree with this density. He said that in order to make the density comparable to the subdivision across from it, a total of 4 to 6 houses would be better, not 13 houses. Mr. Shad said approving the tree removal just gives the Applicant more room to create whatever density they want.

The Commission had a short discussion about the trees and density issue.

Motion: Mr. Roth moved to Approve the removal of trees as submitted with the exception of the walnut grove consisting of T7, T8, T9 and the two smaller walnut trees next to T9, which are to be preserved and not removed. Mr. Reich seconded. The vote was 4 to 1 in favor. Mr. Shad was opposed.

Mr. Roth moved to adjourn. Ms. Tennor seconded. The motion was unanimously approved and the meeting was adjourned at 10:17 pm.

*Chapter and page references are from the Ellicott City or Lawyers Hill Historic District Design Guidelines.

Beth Burgess, Executive Secretary

Allan Shad, Chair

Carol Stirn, Recording Secretary